



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

April 22, 2015

Ref: 8EPR-SR

Mr. Dan Dugi

Personal Address/Ex. 6

Re: Access to property for water quality sampling

Dear Mr. Dan Dugi:

The U.S. Environmental Protection Agency in cooperation with the Bureau of Land Management, the U.S. Geological Survey, the State of Colorado and the Animas River Stakeholder Group is conducting water quality sampling in the Animas River watershed from Silverton, Colorado to the headwaters to analyze for heavy metals. We request permission to access your property to conduct such sampling.

The sampling would occur on your property, along the Animas River and associated tributaries, near Silverton, Colorado, at the following mine claim name(s): Esther Allen 8801A. Our sampling programs will consist of collecting water quality samples, sediment and aquatic organism samples at this location on the river adjacent to your property and taking flow measurements. Since our investigations into the sources and causes of the heavy metals in the river may involve several years of work, we request that permission for access extends for a period of 5 years.

Enclosed is an access agreement that, with your signature, gives the EPA and the other governmental agencies access to your property for these field activities. We request that you fill in your name as the owner and your phone number on the front of the form, sign and date the back of the form, and return it via US mail, email or fax by May 1, 2015.

Your assistance in providing us access for this purpose will aid in the understanding and determination of the contamination sources impacting the water quality in the Animas River between Silverton and Durango, Colorado. If you have any questions regarding our request for access or the sampling activities that would take place, please feel free to contact me at 303-312-6095 or email [fagen.elizabeth@epa.gov](mailto:fagen.elizabeth@epa.gov). You may also contact Paula Schmittiel at 303-312-6861, 720-951-0795 (cell), or email [schmittiel.paula@epa.gov](mailto:schmittiel.paula@epa.gov).

Sincerely,

Liz Fagen  
Project Manager  
Superfund Remedial Program

Enclosure



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## CONSENT FOR ACCESS TO PROPERTY

### RIGHT OF ENTRY TO PREMISES:

The Property Owner (the Grantor) consents to and authorizes the United States Environmental Protection Agency (EPA) and its authorized representatives and their contractors collectively the Grantee, to enter and perform certain environmental sampling activities upon the following premises:

**Owner's Name:** Mr. Dan Dugi

**Property Covered By this Agreement:** (property description, parcel ID or mine claim):

Esther Allen 8801A

### PURPOSE OF RESPONSE ACTIVITIES:

The EPA is requesting access to collect water quality, sediment, and aquatic insect samples and flow measurements from the Animas River and tributaries at your property. The sampling activities may include any of the following:

- Access the sample locations by foot to collected water samples, sediment samples and flow measurements.
- Conduct sampling events during the high flow period (spring runoff) and in the low flow period (fall/winter) to collect samples and flow measurements.
- Placement of an automated sampling device called a "mini-sipper", at a select few locations, to collect continuous water samples and store them in the device for a period of weeks or months. Retrieval of the "mini-sipper" device and collected samples once the sampling period is completed.
- Collect aquatic insects by placing a net in the river to capture insects floating downstream.
- Portions of the main stem of the Animas River may have fish collection events in cooperation with Colorado Parks & Wildlife (CWP).

### ENVIRONMENTAL RESPONSE ACTIVITIES:

By signing this Access Agreement, the Property Owner is granting EPA, its employees and their contractors, and representatives including the United States Geological Survey (USGS), United States Fish & Wildlife Service (USFWS), Bureau of Land Management (BLM), the Colorado Department of Public Health and Environment (CDHPE) and the Colorado Division of Reclamation, Mining & Safety (CDRMS) the right to enter the property, at all reasonable times and with prior notice, for the sole purpose of conducting the sampling described above. This consent for access shall remain in effect for a period of [5] years from the date of signature of this agreement.

### AGREEMENT NOT TO INTERFERE

The Property Owner agrees to not interfere or tamper with any of the water quality and sediment sampling activities, or the equipment used to perform the sampling activities.

This written permission is given voluntarily with knowledge of the right to refuse and without compulsion or promises of any kind. The Property Owner understands that if there is any damage by the work conducted by EPA or their authorized representatives, contractors, or sub-contractors then EPA or authorized representatives, contractors or sub-contractors shall repair such damage to the extent practicable.

**I grant access to my property(s)**

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<b>Signature</b>	<b>Date</b>
<b>Mailing Address:</b> _____	
<b>Email Address:</b> _____	
<b>Daytime Phone No.</b> _____	

After signing, please return to:

Paula Schmittiel, Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
Office Phone: 303-312-6861  
Cell Phone: 720-951-0795  
Email: [schmittiel.paula@epa.gov](mailto:schmittiel.paula@epa.gov)

or

Liz Fagen, Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
Office Phone: 303-312-6095  
Cell Phone: 406-214-4257  
Email: [fagen.elizabeth@epa.gov](mailto:fagen.elizabeth@epa.gov)